



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Eastern States
20 M Street, SE Suite 950
Washington, DC 20003
<http://www.blm.gov/eastern-states>



**DECISION RECORD FOR BLM EASTERN STATES
DECEMBER 2018 COMPETITIVE OIL AND GAS LEASE SALE:
DOI-BLM-ES-0020-2018-0014-EA, DOI-BLM-ES-0020-2018-0024-EA,
DOI-BLM-ES-0030-2017-0009-EA, DOI-BLM-ES-0030-2017-0006-DNA**

INTRODUCTION

The Bureau of Land Management (BLM) proposes to lease, for potential oil and gas development, 24 parcels, representing a total of 2,456.30 acres. The total acreage comprises:

- 15 parcels of public domain minerals underlying private surface in George, Perry, and Stone Counties, Mississippi;
- 2 parcels of acquired minerals underlying private surface in Forrest and Smith Counties, Mississippi;
- 5 parcels of acquired minerals within the Huron-Manistee National Forest, Muskegon County, Michigan; and
- 2 parcels of acquired minerals within the Wayne National Forest, Monroe County, Ohio.

The parcels would be a part of the December 2018 BLM Eastern States Competitive Oil and Gas Lease Sale (December Sale) and are comprised of the following 20 Expressions of Interest (EOI):

- 15 parcels in George, Perry, and Stone Counties, MS: EOI 2011, EOI 2012, EOI 2013, EOI 2014, EOI 2017, EOI 2035, EOI 2037, EOI 2038, EOI 2041, EOI 2042, EOI 2055, EOI 2057, EOI 2058, EOI 2079, EOI 2043
- 2 parcels in Forrest and Smith Counties, MS: EOI 2073, EOI 2182a
- 5 parcels in Muskegon County, MI: EOI 1457
- 2 parcels in Monroe County, OH: EOI 2244, EOI 2246

A federal oil and gas lease is a legal contract that grants exclusive rights to the lessee to develop federally-owned oil and gas resources. The lease does not authorize surface-disturbing activities or obligate the lessee to drill a well on a parcel in the future. Interested parties, such as private individuals or companies, may file EOIs to nominate parcels for competitive bid and leasing by the BLM. If the parcels are leased and the lessee identifies a detailed plan for oil and gas development for the parcels in the future, an Application for Permit to Drill (APD) would have to be submitted by the lessee. During the APD process, the BLM would conduct site-specific environmental analysis and additional regulatory consultations as appropriate prior to authorizing any ground disturbing activities.

In accordance with the National Environmental Policy Act of 1970 (NEPA), the BLM analyzed the potential effects of the Proposed Action and included stipulations to avoid or minimize adverse effects to resources to the maximum extent practicable, including threatened and endangered species through the following environmental documents:

- DOI-BLM-ES-0020-2018-0014-EA for EOI 2011, EOI 2012, EOI 2013, EOI 2014, EOI 2017, EOI 2035, EOI 2037, EOI 2038, EOI 2041, EOI 2042, EOI 2055, EOI 2057, EOI 2058, EOI 2079, EOI 2043 and EOI 2073
- DOI-BLM-ES-0020-2018-0024-EA for EOI 2182a
- DOI-BLM-ES-0030-2017-0009-EA for EOI 1457
- DOI-BLM-ES-0030-2017-0006-DNA for EOI 2244 and EOI 2246

DECISION

The NEPA documents for Mississippi, Michigan, and Ohio parcels analyzed two alternatives: lease the parcels (proposed action) or withhold parcels from leasing (no action alternative). The proposed action was selected for the December Sale because it was the alternative that best met the purpose of and need for supporting the development of oil and natural gas resources, as mandated by various laws while also minimizing adverse effects to natural and cultural resources to the maximum extent practicable. These laws include, but are not limited to, the Mineral Leasing Act of 1920, as amended (30 U.S.C. §181 et seq.), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Energy Policy Act of 2005.

I have reviewed the results of the analysis and have considered the potential impacts presented in the environmental documents for the Mississippi, Michigan and Ohio, it is my decision to authorize offering for lease 24 parcels (2,456.30 acres) for the December 2018 Competitive Oil and Gas Lease Sale. I have concluded that the Proposed Action with consideration to lease stipulations, best management practices, and lease notices demonstrates that all necessary practicable and reasonable means to avoid or minimize environmental harm have been adopted and/or recommended. As a result, the Proposed Action would not have a significant impact to the human environment or result in unnecessary or undue degradation of public lands and resources.

Therefore, BLM will issue competitive leases for parcels sold at the sale, and non-competitive leases may be issued for applications filed for two years after the sale for the unsold parcels, pursuant to 43 CFR 3120.6.

AUTHORITIES

The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

TERMS/CONDITIONS/STIPULATIONS

Standard terms and conditions, as well as the lease notices and stipulations, identified within the Sale Notice, would apply and be attached to the lease parcels.

Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities, including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 43 CFR Parts 1500-1508
- FLPMA (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988- Floodplain Management
- Executive Order 11990 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice in Minority Populations & Low-Income Populations
- Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (BLM-WO-IM 2018-034)

PUBLIC INVOLVEMENT

The BLM created a website for the December 2018 lease sale that is accessible through the BLM National NEPA Register ePlanning site (<https://go.usa.gov/xPQRg>). The website provides links to NEPA documents, opportunities for public involvement, EOI information, and links to additional project information. The proposed EA and FONSI, for all the Mississippi parcels (except 2182a), were posted for a 30-day public comment period from May 17, 2018 – June 18, and the BLM did not receive any comments on the EA or FONSI. Furthermore, the proposed EA for EOI 2182a was not subject to a comment period since the interdisciplinary team did not deem it necessary and although environmental documents in Eastern States are usually granted a 30 day comment period, this period is a case-by-case discretionary decision and not a requirement. Additionally, the proposed EA and proposed FONSI, for the Michigan parcels, were posted for a 30-day public comment period from May 31 -- June 29, 2018, and the BLM did not receive any comments on the proposed EA or FONSI. Finally, the proposed Determination of NEPA Adequacy (DNA) for the Ohio parcels was posted for a 30-day public comment period from August 7, 2017 – September 6, 2017, and the comment submitted was addressed in an appendix in the updated version.

Protests (December 2018 Lease Sale)

The competitive lease sale notice was posted on the BLM National NEPA Register ePlanning site on October 26, 2018 (<https://go.usa.gov/xPQRg>). This initiated a 10-day protest period of the parcels proposed for the December 2018 lease sale. The protest period ended on November 5, 2018, and the BLM received one protest. This protest was resolved prior the December Lease Sale, therefore the sale does not have any outstanding protests.

CONSULTATIONS

Mississippi parcels (EOIs: EOI 2011, EOI 2012, EOI 2013, EOI 2014, EOI 2017, EOI 2035, EOI 2037, EOI 2038, EOI 2041, EOI 2042, EOI 2055, EOI 2057, EOI 2058, EOI 2079, EOI 2043 and EOI 2073)

The BLM conducted and completed the informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the ESA Section 7 consultation requirements. The BLM initiated informal consultation with USFWS on April 10, 2018, and received a concurrence letter on April 30, 2018, consistent with BLM's determination that the proposed action would have no adverse effect on federally listed species. The BLM also conducted consultation with the Mississippi State Historic Preservation Office (SHPO) from January 26 to February 1, 2018. The BLM received multiple concurrence letters from SHPO from February 20 -- 28, 2018.

The BLM also coordinated with Native American tribes (listed below) from January 26, 2018, to February 1, 2018. The BLM contacted the following tribes:

- Mississippi Band of Choctaw Indians
- Choctaw Nation of Oklahoma
- Jena Band of Choctaw
- Seminole Nation of Oklahoma
- Alabama-Coushatta Tribe of Texas
- Coushatta Indian Tribe
- Tunica-Biloxi Tribe of Louisiana
- Seminole Tribe of Florida
- Thlopthlocco Tribal Town
- Kialagee Tribal Tow

Two tribes responded in writing from February 20 -- 28, 2018, recommending that cultural resource studies are warranted prior to approval of any development proposals. The Jena Band of Choctaw Indians response of February 20, 2018, requested the completion of site-specific Section 106 obligations prior to the onset of any ground disturbing activities. The Choctaw Nation of Oklahoma requested continuing cultural consultation once cultural resource survey reports are completed. Consistent with the tribal requests, the BLM stipulations provide for cultural resources surveys prior to any ground disturbing activities.

Mississippi Parcel (EOI 2182a)

The BLM conducted and completed the informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the ESA Section 7 consultation requirements. The BLM initiated informal consultation with USFWS on June 7, 2018, and received a no-effect concurrence letter on June 27, 2018, consistent with BLM's "no effect" determination. The BLM also conducted consultation with the Mississippi State Historic Preservation Office (SHPO) on February 22, 2018. The BLM received a concurrence letter from SHPO on March 19, 2018.

The BLM also coordinated with Native American tribes (listed below) on February 22, 2018. The BLM contacted the following tribes:

- Alabama-Coushatta Tribe of Texas
- Kialagee Tribal Town
- Alabama Quassarte
- Mississippi Band of Choctaw
- Choctaw Nation
- Thlopthlocco Tribal Town
- Coushatta Indian
- Tribe Tunica-Biloxi
- Tribe of Louisiana
- Jena Band of Choctaw Muscogee (Creek) Nation

The Choctaw Historic Preservation Office submitted a response on March 23, 2018, notifying BLM that they were unaware of any Traditional Cultural Property (TCP) presence on the parcel and requested tribal consultation prior to ground disturbing activities. Consistent with the tribal requests, the BLM stipulations provide for cultural resources surveys prior to any ground disturbing activities.

Michigan parcels (EOI 1457)

The BLM conducted and completed the required informal consultation with the USFWS in compliance with the ESA Section 7 consultation requirements. Utilizing geospatial information, the BLM consulted with the USFWS through their Information for Planning and Consultation (IPaC) website on March 7, 2018, for an official species list. In addition, the BLM prepared a biological assessment (BA) that was provided to the USFWS on May 1, 2018, pursuant to its required consultation with the USFWS. This BA and the resulting concurrence of “no effect” to T&E species from the FWS are available for review in the case file at the Northeastern States District Office. The BA includes possible Conditions of Approval (COAs) that the BLM would recommend or, when it has the legal authority to do so, require for use on private surface.

The BLM also conducted and completed the required consultation with the Michigan State Historic Preservation Office (SHPO). An email was sent to the SHPO on February 14, 2018. To date, the Michigan SHPO has not responded to the email indicating that they have found no need to consult at this stage. Further consultation would occur at the APD phase prior to ground disturbing activities.

The BLM also coordinated with Native American tribes (listed below) on February 14, 2018. The following tribes were contacted:

- Pokagon Band of Potawatomi Indians
- Little River Band of Ottawa Indians
- Sault Ste. Marie Tribe of Chippewa Indians
- Saginaw Band of Chippewa Indians
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
- Bay Mills Indian Community

To date, the BLM has not received any response. Further consultation would occur at the APD phase prior to ground disturbing activities.

Ohio parcels (EOI 2244 & EOI 2246)

The U.S. Forest Service has completed consultation requirements with the USFWS under Section 7 of the ESA with respect to federally-listed species in the development of the 2006 LRMP/EIS. In coordination with the USFWS, a tiered approach to future consultations was implemented. Because the BLM was a cooperating agency in the 2006 LRMP/EIS, the consultation conducted with respect to the LRMP/EIS applies to the Proposed Action analyzed in the EA. As the BLM analyzes individual projects pursuant to the 2006 LRMP, the BLM would complete the required Tier II consultation under the ESA.

The BLM initiated consultation with the SHPO and the tribes on September 26, 2018. As a result of this process, the BLM added a stipulation (Stipulation #19) to the EOIs that states

"As a condition of approval for any federal application for permit to drill (APD) which may be filed following issuance of a federal oil and gas lease, the applicant shall hire a professional archaeologist approved by the Ohio State Historic Preservation Office (SHPO) to conduct archaeological/cultural surveys on the Area of Potential Effect (APE) as determined through consultation with SHPO. The surveys shall occur prior to any ground disturbing activities related to the APD. Dependent upon the finding of the surveys, additional consultations may be required. For Federal surface and Federal subsurface estate lands, the surveys shall be conducted in coordination with the US Forest Service in accordance with Notification #1"

The tribes who were contacted have not raised issues or concerns in regard to the parcels. Further tribal consultation would occur at the APD stage. The BLM contacted the following tribes:

- The Delaware Tribe of Indians
- Peoria Tribe of Indians of Oklahoma
- The Delaware Nation
- Absentee Shawnee Tribe of Indians
- The Shawnee Tribe
- The Eastern Shawnee Tribe of Oklahoma
- The Wyandotte Nation

RATIONALE FOR DECISION

The decision to authorize the issuance of the leases is based on the following:

- **Consistency with the resource management plan and the land use plan** – For the Mississippi parcel associated to EOI 2182, the proposed action is in conformance with the BLM Mississippi/Alabama Resource Management. However, the rest of the Mississippi parcels were not covered. Therefore, the stand-alone EA, made for these parcels, is the basis for making a decision, as allowed for in 43 CFR 1610.8 (b) (1). The proposed action, as applied to the Michigan parcels, is in conformance with the 2006 Forest Plan (U.S. Forest Service, 2006), since the BLM was a cooperating agency in development of the 2006 Forest Plan and its related Final Environmental Impact Statement (2006 Forest Plan Final EIS) (U.S. Forest Service, 2006) and under the 2006 Forest Plan, 969,727 acres of federally-owned surface would be available for mineral leasing. Furthermore, as it relates to the Michigan parcels, the Proposed Action, is in conformance with the BLM Michigan Resource Management Plan (BLM, 1985). Finally, for the Ohio parcels, the decision is consistent with, and in conformance with, the 2006 WNF LRMP/FEIS and ROD (January 2006).
- **National Policy & Purpose and Need** – The issuance of the leases meets the BLM's purpose and need for action, which is to support the development of oil and natural gas resources that are essential to meeting the nation's future needs for energy while minimizing adverse effects to natural and cultural resources. The BLM minimizes adverse effects to resources by identifying appropriate lease stipulations and notices, best management practices, and mitigations. It is the policy of the BLM as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 U.S.C. §181 et seq.), FLPMA, and the Energy Policy Act of 2005 to make mineral resources available for development to meet national, regional, and local needs. The BLM's oil and gas leasing program encourages the sustainable development of domestic oil and gas reserves, which reduces the dependence

of the United States on foreign sources of energy as part of its multiple-use and sustainable yield mandate.

- Agency statutory requirements - The decision is consistent with all required federal, state, tribal, and county regulations/policies required for implementing the Proposed Action.
- Relevant resource issues and finding of no significant impact - As described in the NEPA documents, there will be no direct or indirect impacts associated with leasing. There is the potential for cumulative adverse impacts to resources as a result of potential oil and gas development; however, none of the impacts were identified as significant and therefore, an environmental impact statement is not required. BLM would conduct additional site-specific NEPA documentation at the APD stage, should future development occur.
- Application of measures to minimize environmental impacts - Standard terms & conditions, as well as stipulations identified in the EAs (Attachments 5-7) will apply to the leases, as required by 43 CFR 3101.3.

Authorized Officer:



Karen E. Mouritsen
State Director, BLM Eastern States

12-12-18
Date

Attachment 1: Appeals Procedures and Form 1842-1

Attachment 2: Mississippi parcel list with associated stipulations, mitigation measures & notices

Attachment 3: Michigan parcel list with associated stipulations, mitigation measures & notices

Attachment 4: Ohio parcel list with associated stipulations, mitigation measures & notices

Attachment 5: Mississippi Notices & Stipulation Compilation

Attachment 6: Michigan Notices & Stipulation Compilation

Attachment 7: Ohio Notices & Stipulation Compilation

Attachment 8: Ohio State Historic Preservation Office, November 5, 2018

Attachment 1: Appeals Procedures

In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. At this time, the BLM will not accept appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on to the appropriate Office of the Solicitor.

STANDARDS FOR OBTAINING A STAY

Pursuant to 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE	Bureau of Land Management Eastern States Office 20 M Street SE, Suite 950 Washington D.C. 20003
NOTICE OF APPEAL.....	
WITH COPY TO SOLICITOR....	United States Department of the Interior OFFICE OF THE SOLICITOR, Northeast Region 1 Gateway Ctr # 612 Newton, MA 02458
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	United States Department of the Interior OFFICE OF THE SOLICITOR, Northeast Region 1 Gateway Ctr # 612 Newton, MA 02458
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	<p>Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.</p> <p>Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.</p>

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

UNITED STATES
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2. WHERE TO FILE NOTICE OF APPEAL	Bureau of Land Management Eastern States Office 20 M Street SE, Suite 950 Washington D.C. 20003
WITH COPY TO SOLICITOR	Regional Solicitor, Southeast Region U.S. Department of the Interior 75 Spring Street, SW., Suite 304 Atlanta, Georgia 30303
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). Regional Solicitor, Southeast Region U.S. Department of the Interior 75 Spring Street, SW., Suite 304 Atlanta, Georgia 30303
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

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43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

Attachment 2: Mississippi parcel list with associated stipulations, mitigation measures & notices

Private Surface, Public Domain Minerals

Parcel #: ES-001-12/2018	BLM Serial #: MSES059366	PD	EOI #: 2011
Mississippi, George County			(ES00001381)
St. Stephens Meridian			(ES00001388)
T. 2 S., R. 5 W.,			
Sec. 6, SWSE, SWNW.			
T. 2 S., R. 6 W.,			
Sec 1, SENE.			
119.75 Acres \$180.00 Rental			U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-002-12/2018	BLM Serial #: MSES059367	PD	EOI #: 2012
Mississippi, George County			(ES00001367)
St. Stephens Meridian			(ES00001369)
T. 1 S., R. 5 W.,			
Sec. 33, SESW;			
Sec. 34, NENE.			
80.17 Acres \$121.50 Rental			U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, and Dusky Gopher Frog.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Mississippi, George County

(ES00001364)

(ES00001364)

(ES00001364)

U.S. Mineral Interest: 100%

U.S. Mineral Interest: 100%

- U.S. Mineral Interest: 100%**

Mississippi, George County

EOI #: 2014

EOI #: 2014

EOI #: 2014

U.S. Mineral Interest: 100%

U.S. Mineral Interest: 100%

- U.S. Mineral Interest: 100%**

Mississippi, Perry County

EOI #: 2017

EOI #: 2017

EOI #: 2017

U.S. Mineral Interest: 100%

U.S. Mineral Interest: 100%

- U.S. Mineral Interest: 100%**

Parcel #: ES-006-12/2018 BLM Serial #: MSES059371 PD EOI #: 2035
Mississippi, George County **(ES00001376)**
St. Stephens Meridian **(ES00001378)**
T. 2 S., R. 7 W., **(ES00001379)**

Sec. 21, W2NE, W2SE;
Sec. 27, SENE, SESW, NWSE;
Sec. 28, SWSE.

320.38 Acres \$481.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, and Dusky Gopher Frog.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-007-12/2018 BLM Serial #: MSES59372 PD EOI #: 2037
Mississippi, George County **(ES00001384)**

St. Stephens Meridian
T. 2 S., R. 6 W.,
Sec. 20, NWSW.

40.02 Acres \$61.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, and Dusky Gopher Frog.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-008-12/2018 BLM Serial #: MSES059373 PD EOI #: 2038
Mississippi, George County **(ES00001373)**
St. Stephens Meridian
T. 2 S., R. 7 W.,
Sec. 1, SWNE.

40.00 Acres \$60.00 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-009-12/2018 BLM Serial #: MSES059374 PD EOI #: 2041
Mississippi, George County **(ES00001390)**
St. Stephens Meridian
T. 2 S., R. 6 W.,
Sec. 35, S2SE.

79.41 Acres \$120.00 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-010-12/2018 BLM Serial #: MSES059375 PD EOI #: 2042
Mississippi, George County **(ES00001414)**
St. Stephens Meridian
T. 3 S., R. 6 W.,
Sec. 15, N2SE, SWSE.

120.17 Acres \$181.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-011-12/2018 BLM Serial #: MSES059376 PD EOI #: 2055
(ES00001370)

Mississippi, George County
St. Stephens Meridian
T. 1 S., R. 5 W.,
Sec. 36, SENW.

40.15 Acres \$61.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-012-12/2018 BLM Serial #: MSES059377 PD EOI #: 2057
(ES00001365)

Mississippi, George County
St. Stephens Meridian
T. 1 S., R. 5 W.,
Sec. 26, NENE, SWNE.

80.25 Acres \$121.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-013-12/2018 BLM Serial #: MSES059378 PD EOI #: 2058

Mississippi, George County
St. Stephens Meridian
T. 3 S., R. 4 W.,
Sec. 31, E2 of Lot 12.

36.70 Acres \$55.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-014-12/2018 BLM Serial #: MSES059379 PD EOI #: 2079

Mississippi, Stone County

St. Stephens Meridian

T. 2 S., R. 9 W.,

Sec. 33, SWSE.

40.65 Acres \$61.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog, and Red-Cockaded Woodpecker.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-015-12/2018 BLM Serial #: MSES059380 PD EOI #: 2043

Mississippi, George County

St. Stephens Meridian

T. 3 S., R. 5 W.,

Sec. 32, W2NW;

Sec. 33, NESW;

Sec. 36, NWSW.

163.37 Acres \$246.00 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, and Dusky Gopher Frog.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Private Surface, Acquired Minerals

Parcel #: ES-016-12/2018 BLM Serial #: MSES059381 ACQ EOI #: 2073

Mississippi, Forrest County

St. Stephens Meridian

T. 1 S., R. 12 W.,

Sec. 10, S2SW less 2.93 Acre strip.

77.22 Acres \$117.00 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, Freshwater Aquatic Habitat, Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, and Dusky Gopher Frog.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Parcel #: ES-017-12/2018 BLM Serial #: MSES059382 ACQ EOI #: 2182a

Mississippi, Smith County

Choctaw Meridian

T. 4 N., R. 8 E.,

Sec. 29, NENE, SENE.

79.70 Acres \$120.00 Rental

U.S. Mineral Interest: 100%

Subject to:

- BLM Stipulations for Cultural Resources and Tribal Consultation, Endangered Species, Sensitive Plant Species, and Freshwater Aquatic Habitat.
- BLM Lease Notices/Best Management Practices for Migratory Birds and Federally Listed Wildlife, Perching and Nesting Birds and Bats, Invasive and Non-Native Plant Species and Pesticide Application.

Attachment 3: Michigan parcel list with associated stipulations, mitigation measures & notices

Forest Service Surface, Acquired Minerals

Parcel #: ES-018-12/2018 BLM Serial #: MIES 059383 ACQ EOI #: 1457
Michigan, Muskegon County, Huron-Manistee National Forest **(ES00002795)**
Michigan Meridian
T. 11 N., R. 15 W.,
Sec. 22, SWNW.

40.00 Acres \$60.00 Rental U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations
- Lease Notices #1, #2, #3, #5, #6, #10
- Lease Stipulation #9 applies to all lands.

Parcel #: ES-019-12/2018 BLM Serial #: MIES 059384 ACQ EOI #: 1457
Michigan, Muskegon County, Huron-Manistee National Forest **(ES00002796)**
Michigan Meridian
T. 11 N., R. 15 W.,
Sec. 21, S2NE, N2NW, SWNW, SENW, NESW, N2SESW, S2SESW, N2SE.

400.00 Acres \$600.00 Rental U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Notices #1, #2, #3, #5, #6, #10.
- Lease Stipulation #1, #2, or #21 (no surface occupancy) applies to all lands.
- Lease Stipulation #9 applies to all lands.

Parcel #: ES-020-12/2018 BLM Serial #: MIES 059385 ACQ EOI #: 1457
Michigan, Muskegon County, Huron-Manistee National Forest **(ES00002797)**
Michigan Meridian
T. 11 N., R. 15 W.,
Sec. 20, NE, NESE, SESE, NENW.

280.00 Acres \$420.00 Rental U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Notices #1, #2, #3, #5, #10.
- Lease Stipulations #1, #2, or #21 (no surface occupancy) applies to Sec. 20, Pt. W2SESE.
- Lease Stipulation #9 applies to all lands.

Parcel #: ES-021-12/2018 BLM Serial #: MIES 059386 ACO EOI #: 1457
Michigan, Muskegon County, Huron-Manistee National Forest (ES00002798)
Michigan Meridian
T. 11 N., R. 15 W.,
Sec. 29, NWNE, N2NW.

120.00 Acres \$180.00 Rental U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Notices #1, #2, #3, #5, #10.
- Lease Stipulations #1, #2, or #21 (no surface occupancy) applies to Sec. 29, E2NWNE.
- Lease Stipulation #9 applies to all lands

Parcel #: ES-022-12/2018 BLM Serial #: MIES 059387 ACO EOI #: 1457
Michigan, Muskegon County, Huron-Manistee National Forest (ES00002799)
 Michigan Meridian
 T. 11 N., R. 15 W.,

Sec. 31, NWNW, and S2NW excepting the S. 27 rods of the E. 131 rods of the W. 143 rods.

102.78 Acres \$154.50 Rental U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Notices #1, #2, #3, #5, #10.
- Lease Stipulation #9 applies to all lands.

Attachment 4: Ohio parcel list with associated stipulations, mitigation measures & notices

Forest Service, Acquired Minerals

Parcel #: ES-023-12/2018 BLM Serial #: OHES059388 ACQ EOI #: 2244
Ohio, Bethel Township, Monroe County, Wayne National Forest **(ES00001977)**
Ohio River Survey
T. 4 N., R. 6 W.,
 Sec. 29, NWNE.

40.06 Acres \$61.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Special Notification: #1 (Applies to all lands in the Parcel)
- Lease Notification: #1, #2, #3, #4, #5 (Applies to all lands in the Parcel)
- Lease Stipulations: NSO #8 Slopes in excess of 55%
- Lease Stipulations: #17 Controlled Surface Use – Slopes Between 35% and 55%.
- Lease Stipulations: #19 Cultural and Archeological Survey and Consultation Requirements
- Royalty Reservation Notice.

Parcel #: ES-024-12/2018 BLM Serial #: OHES059389 ACQ EOI #: 2246
Ohio, Bethel Township, Monroe County, Wayne National Forest **(ES00001978)**
Ohio River Survey
T.5 N., R. 7 W.,
 Sec. 2, SWNW, excepting the S2SESWNW.

35.00 Acres \$52.50 Rental

U.S. Mineral Interest: 100%

Subject to:

- Forest Service Standard Lease Stipulations.
- Lease Special Notification: #1 (Applies to all lands in the Parcel).
- Lease Notifications: #1, #2, #3, #4, #5 (Applies to all lands in the Parcel).
- Lease Stipulations: NSO #8 Slopes in excess of 55%.
- Lease Stipulations: #17 Controlled Surface Use – Slopes Between 35% and 55%.
- Lease Stipulations: #19 Cultural and Archeological Survey and Consultation Requirements
- Royalty Reservation Notice

Attachment 5: Mississippi Stipulation Compilation

LEASE STIPULATIONS

Cultural Resources and Tribal Consultation

Stipulation: This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. These obligations may include a requirement that you provide a cultural resources survey conducted by a professional archaeologist approved by the State Historic Preservation Office (SHPO). If currently unknown burial sites are discovered during development activities associated with this lease, these activities must cease immediately, applicable law on unknown burials will be followed and, if necessary, consultation with the appropriate tribe/group of federally recognized Native Americans will take place. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Endangered Species

Stipulation: The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 *et seq.*, including completion of any required procedure for conference or consultation.

Exception: None

Modification: None

Waiver: None

Sensitive Plant Species

Stipulation (CSU): All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, the BLM will require a survey by a qualified botanist for special status plants during periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

Objective: To protect threatened, endangered, candidate, proposed, and BLM sensitive plant species.

Exception: An exception may be granted if the operator agrees to implement measures developed in consultation with the USFWS and in coordination with State agencies.

Modification: The stipulation may be modified if it is determined that a portion of the lease area does not contain sensitive plant species habitat.

Waiver: The stipulation may be waived if, based on field surveys, it is determined that the lease area does not contain sensitive plant species habitat.

Freshwater Aquatic Habitat – Applies to EOI #s 2011, 2013, 2014, 2017, 2035, 2037, 2038, 2041, 2043, 2055, 2057, 2058, 2073, 2182a.¹

Stipulation (NSO): No surface occupancy or disturbance, including discharges, are permitted within 250 feet of a river, stream, wetland spring, headwater, wet meadow, wet pine savanna, pond, tributary, lake, coastal slough, sand bar, vernal pools, calcareous seepage marsh, or small, marshy calcareous stream. This buffer may be extended to 600 feet where the slope exceeds 10 percent and to protect vernal pools in southeastern Mississippi between Highways 98 and 59 providing suitable habitat for endangered Mississippi gopher frog.

Objective: To protect water quality of watersheds and natural stream substrate and morphology and to avoid potential impacts to federal and state-listed aquatic species.

Exception: An exception may be granted if the operator agrees to 1) span creeks and floodplains by attaching pipelines to bridges or 2) directionally drill under creeks, rivers, and other waters supporting listed species, 3) implement other measures developed in consultation with USFWS and coordination with state agencies.

Modification: The buffer may be reduced if the adjacent waterway has been surveyed for 100 yards upstream and 300 yards downstream of the site, and results document the lack of suitable/occupied habitat for special status species within the mixing zone downstream of the project, as determined by BLM and USFWS.

Waiver: The stipulation may be waived if it is determined that the lease area has no hydrological connection to habitat of sensitive aquatic species.

Gopher Tortoise Black Pine Snake Eastern Indigo Snake Dusky Gopher Frog – Applies to EOI #s 2011, 2012, 2013, 2014, 2017, 2035, 2037, 2038, 2041, 2042, 2043, 2055, 2057, 2058, 2073, 2079.²

Stipulation (CSU): BLM-approved surveys will be required in all suitable gopher tortoise habitat where the tortoise is listed, including: Choctaw, Washington, Sumter, and Mobile counties in Alabama; and Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Jasper, Jefferson Davis, Lamar, Marion, Pearl River, Perry, Smith, Stone,

¹ The list of EOIs that are subject to the Freshwater Aquatic Habitat stipulation has been edited from the version in EA ES-020-2018-14. EOI numbers that are not offered at the December 13, 2018, lease sale have been deleted.

² The list of EOIs that are subject to the Gopher Tortoise, Black Pine Snake, Eastern Indigo Snake, Dusky Gopher Frog stipulation has been edited from the version in EA ES-020-2018-14. EOI numbers that are not offered at the December 13, 2018, lease sale have been deleted.

Walthall, and Wayne Counties in Mississippi. No surface disturbance or activity is permitted within 600 feet of a gopher tortoise burrow.

Suitable habitat includes areas with deep, well-drained and excessively well-drained sandy soils, especially the following USDA-NRCS soil series and with an open understory with grass and forb groundcover open areas. Suitable soils include Alaga, Bama, Basin, Baxterville, Benndale, Bigbee, Boswell, Eustis, Freest, Freestone, Heidel, Lakeland, Lorman, Lucedale, Lucy, Malbis, McLaurin, Petal, Poarch, Prentiss, Ruston, Saucier, Savannah, Troup, Shuguta, Smithdale, Susquehanna, and Wadley.

Objective: To protect habitat for gopher tortoise and other commensal species, including eastern indigo snake and gopher frog.

Exception: Exceptions may be granted if the proponent agrees to implement measures developed in consultation with USFWS and coordination with state agencies.

Modification: This stipulation may be modified if suitable gopher tortoise habitat does not exist on the stipulated area and that area does not provide forage habitat for adjacent tortoise populations. Survey requirements may be modified if current tortoise surveys of the tract are approved by BLM and USFWS.

Waiver: This stipulation may be waived if suitable gopher tortoise habitat does not exist on the tract and the tract does not provide forage habitat for gopher tortoises in adjacent areas.

Red-Cockaded Woodpecker – Applies to EOI #s 2011, 2013, 2038, 2041, 2042, 2055, 2057, 2058, 2079.³

Stipulation (NSO): No surface occupancy or disturbance within 0.5 mile of a red-cockaded woodpecker cluster, defined as the area containing all active and inactive cavity trees and a 200-foot buffer zone surrounding that area. Vehicle use is prohibited within a cluster except for through-travel on existing, maintained, paved roads.

Objective: To protect red-cockaded woodpecker nest sites from disturbance and habitat degradation.

Exception: An exception may be granted to allow surface occupancy within 0.5 mile of a cluster if the operator agrees to measures developed in consultation with USFWS and in coordination with State agencies.

Modification: This stipulation may be modified if a portion of the stipulated area is no longer within the 0.5-mile buffer zone.

Waiver: This stipulation may be waived if no cluster can be identified within 0.5 mile of the leased tract.

³ The list of EOIs that are subject to the Red-Cockaded Woodpecker stipulation has been edited from the version in EA ES-020-2018-14. EOI numbers that are not offered at the December 13, 2018, lease sale have been deleted.

LEASE NOTICES/BEST MANAGEMENT PRACTICES

Migratory Birds and Federally Listed Wildlife

Objective: To protect perch and roosting sites and terrestrial habitats for and to avoid potential impacts to migratory birds and federally listed wildlife.

Any reserve pit that is not closed within 10 days after a well is completed and that contains water must be netted or covered with floating balls, or another method must be used to exclude migratory birds.

All power lines must be built to protect raptors and other migratory birds, including bald eagles, from accidental electrocution, using methods detailed by the Avian Power Line Interaction Committee (APLIC 2006).

Perching and Nesting Birds and Bats

Objective: To prevent birds and bats from entering or nesting in or on open vent stack equipment.

Open vent stack equipment, such as heater-treaters, separators, and dehydrator units, will be designed and constructed to prevent birds and bats from entering or nesting in or on such units and, to the extent practical, to discourage birds from perching on the stacks. Installing cone-shaped mesh covers on all open vents is one suggested method. Flat mesh covers are not expected to discourage perching and will not be acceptable.

Invasive and Non-Native Species

Objective: To discourage the spread of invasive, non-native plants.

Use of native or non-invasive plants in seeding mixtures will be encouraged to stabilize disturbed areas and during restoration activities. Construction sites will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control measures will be used to either eradicate the species from the area or minimize its spread to other areas. If cogongrass is found on site, equipment will be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Post-construction monitoring for cogongrass and other invasive plant species should be conducted to ensure early detection control. In the case of split-estate lands, final seed mixtures will be formulated in consultation with the private landowner.

Pesticide Application

Objective: To protect the water quality of watersheds and natural stream substrate and morphology supporting special status species and their host species.

Any ground application of herbicides or other pesticides, sterilants, or adjuvants within 150 feet of listed species or habitat will require site-specific control measures developed in coordination or formal consultation with USFWS. No aerial application of herbicides or pesticides will be permitted.

Attachment 6: Michigan Stipulation Compilation

LEASE STIPULATIONS

Stipulation #1) No surface occupancy is permitted on this parcel within 300 feet, measured at a perpendicular, from the normal high water mark of any river, stream, or lake. If site-specific examination determines that rivers, streams or lakes do not exist on the lease parcel, this stipulation may be waived.

Stipulation #2) No surface occupancy is permitted on this parcel due to the presence of wetlands. If site-specific examination determines that wetlands do not exist on the lease parcel, this stipulation may be waived.

Stipulation #3) All or portions of this lease parcel are located in an area managed as Old Growth. In accordance with the Huron-Manistee National Forests' Forest Plan, no surface occupancy is permitted on this parcel due to the lack of existing reasonable access. If an on-the-ground review of this tract indicates reasonable access does exist, this stipulation may be waived. Any subsequent surface occupancy would be limited to those existing roads and trails.

Stipulation #4) All or portions of this lease parcel are located in an area managed as Old Growth. Surface disturbing activities will take place outside of old growth where there are reasonable alternative locations. Due to the presence of existing reasonable access via roads/trails, surface occupancy is permitted, however, is limited to existing roads and trails.

Stipulation #5) All or portions of this lease parcel are located in an area managed as a semi-primitive nonmotorized area. Production facilities will be located outside the area when practical and needed pumps will be run by electric motors or equipped to minimize noise.

Stipulation #6) This parcel is located in an area managed as a semi-primitive nonmotorized area. The Huron-Manistee National Forests' Forest Plan limits surface location density in these areas. The maximum surface development density in this area is 1 surface location per 640 acres.

Stipulation #7) This parcel is located in an area managed as a semi-primitive nonmotorized area. Roads must use existing transportation corridors when compatible, feasible and practical.

Stipulation #8) This parcel is located within a Wild and Scenic River Corridor. No surface occupancy for oil and gas development will be permitted within this corridor.

Stipulation #9) All or portions of this lease parcel are located in potential Indiana bat habitat. Surface disturbing activities that involve tree removal will be prohibited between May 1 and August 31 if suitable Indiana bat habitat is found to be present. This stipulation may be waived if site-specific review of the proposal determines that suitable habitat is not present.

Stipulation #10) All or portions of this lease parcel are located within a 5-mile radius of Tippy Dam (Indiana bat hibernaculum). No surface occupancy will be permitted on all or portions of this lease for surface disturbing activities associated with site construction and/or oil and gas

drilling between May 1 and October 20. This stipulation may be waived based on site-specific review of the proposal and identification of potential effects on the Indiana bat.

Stipulation #11) The North Country National Scenic Trail runs through all or portions of this lease parcel. No surface occupancy will be permitted for areas within 300 feet, measured at a perpendicular, from each side of the Trail. If site-specific examination determines that the North Country National Scenic Trail is not located on the lease parcel, this stipulation may be waived.

Stipulation #12) All or portions of this lease are located in an area of steep, fragile slopes. No surface occupancy is permitted on identified areas. This stipulation may be waived based on site-specific review of proposed location and soil types.

Stipulation #13) This parcel is located within the corridor of a Study Wild and Scenic River. No surface occupancy for oil and gas development will be permitted within this corridor.

Stipulation #14) All or portions of this lease are located near the River Road National Scenic Byway. No surface occupancy is permitted within 300 feet of the Byway.

Stipulation #15) All or portions of this lease are located in areas managed as Kirtland's warbler essential habitat. Surface location density restrictions as outlined below will apply in these areas:

Age of Essential Habitat	Maximum Development Density
0 to 25 years	1 surface location per 640 acres
26 to 40 years	1 surface location per 160 acres
Older than 40 years old	1 surface location per 640 acres

The priority for identifying surface locations are: 1) First priority will be stands (or inclusions of stands) that are not biologically appropriate for the development of breeding habitat for Kirtland's warbler, 2) Second priority will be stands within essential habitat that are greater than 26 years old, and 3) Third priority will be stands within essential habitat that are 0 to 25 years old. Exceptions may be granted through consultation with the Forest Service and the U.S. Fish and Wildlife Service.

No drilling, exploration, construction or maintenance involving the use of heavy equipment shall take place within one-half mile of or create noise greater than 85 decibels in occupied habitat, between May 1 and September 30. In occupied habitat, proven wells can be operated between October 1 and April 30, but between May 1 and September 30 only if they are flowing or operated by bottom-hole pump and 1) the product is transported by buried pipeline; 2) collection and storage facilities are located off essential habitat where reasonable; 3) noise from production operations will be less than 85 decibels at 100 feet, and 4) access is limited to routine monitoring of the well.

Stipulation #16) All or portions of this lease are located in an area designated as a Research Natural Area. No surface occupancy for oil and gas development is permitted in areas so designated.

Stipulation #17) All or portions of this lease are located in an area designated as a Candidate Research Natural Area. No surface occupancy for oil and gas development is permitted in areas so designated.

Stipulation #18) A portion of this lease tract includes a Forest administrative site. No surface occupancy for oil and gas development will be permitted in this area.

Stipulation #19) A portion of this lease tract includes a Forest developed recreation site. No surface occupancy for oil and gas development will be permitted in this area.

Stipulation #20) A portion of this lease tract is involved in the North American Long-Term Soil Productivity Study. Until completion of this study, no surface occupancy will be permitted on those portions of the lease tract that are included in this study.

Stipulation #21) This parcel contains lands designated as occupied Karner blue butterfly habitat. No surface occupancy for oil and gas development is permitted in areas so designated.

Stipulation #22) This parcel is located in an area managed as a semi-primitive motorized area. The Huron-Manistee National Forests' Forest Plan limits surface location density in these areas. The maximum surface development density in this area is 1 surface location per 160 acres. Production facilities will be located outside the area when practical and needed pumps will be run by electric motors or equipped to minimize noise.

Stipulation #23) This parcel is located in an area managed as a Special Area or contains sensitive communities. No surface occupancy for oil and gas development is permitted in areas so designated.

Stipulation #24) No surface occupancy will be permitted for areas within 300 feet, measured at a perpendicular, from each side of existing and/or planned Visual Sensitivity Level 1 trails within the lease parcel. In areas with a high concentration of trails, this may preclude occupancy on the entire parcel.

Stipulation #25) This parcel contains lands identified as eastern massasauga rattlesnake habitat. No surface occupancy for oil and gas development is permitted in areas so designated. Exceptions may be granted through consultation with the Forest Service and the U.S. Fish and Wildlife Service.

LEASE NOTICES

Lease Notice #1) Operations under this lease will be consistent with the Standards and Guidelines found in the Huron-Manistee National Forests Land and Resource Management Plan and hereby incorporated into this lease in their entirety.

Lease Notice #2) Surface disturbance will be limited to that necessary for reasonable, safe and prudent extraction of the oil and gas. Measures will be implemented to minimize erosion and

sedimentation. Road and stream crossings will be planned to eliminate stream crossings whenever practical.

Lease Notice #3) Processing of proposed surface use plans of operation on National Forest System lands includes site-specific analysis to determine effects to threatened, endangered, or sensitive species. This analysis may require surveys for certain plants and/or animals. Depending upon the species of concern, it may be necessary to survey through spring, summer, and fall. The extent of required surveys could delay permit issuance. Operators are encouraged to submit proposals as soon as possible to facilitate the scheduling of necessary survey work.

Lease Notice #4) All or portions of this lease parcel is located in Management Area 4.2, Roaded Natural Sandy Plains and Hills (Huron-Manistee National Forests Land and Resource Management Plan). A reclamation plan for all wells, pipelines, production facilities and access routes must be submitted to the Forest Line Officer in charge for approval. Disturbed areas will be restored after completion of drilling and/or production operations. Permanent vegetative cover will consist of a mixture of native warm season grasses. These will be scheduled for establishment just prior to the next growing season, generally late April, May or early June.

Lease Notice #5) Lands included in this lease parcel are being managed as a wildlife emphasis area or Karner blue butterfly management unit and occupancy is subject to more restrictive controls than routine areas.

Lease Notice #6) Portions of this lease parcel have had occurrences of certain threatened, endangered, or sensitive species or communities. At the time a drilling permit application or other request for surface use is filed, a site-specific review will be done to determine potential effects to these species. Depending upon the findings of the site-specific review, additional operating constraints, such as seasonal restrictions or re-location of the proposed wellsite, may be necessary to mitigate effects to threatened, endangered, or sensitive species or communities.

Lease Notice #7) Portions of this lease parcel contain known heritage resource sites. At the time a drilling permit application or other request for surface use is filed, a site-specific review will be done to determine potential effects to these sites. Depending upon the findings of the site-specific review, additional operating constraints, such as re-location of the proposed wellsite, may be necessary to mitigate effects to heritage resources.

Lease Notice #8) A portion of this lease parcel is in an area proposed for timber harvest activities. If oil and gas activities and timber harvesting are proposed concurrently, use conflicts between the oil and gas operator and timber purchaser would need to be resolved prior to issuance of a Federal drilling permit.

Lease Notice #9) Parcel is surrounded entirely by private land and access must be negotiated with adjacent landowners.

Lease Notice #10) This lease parcel is located in an area considered to be habitat for the northern long-eared bat (*Myotis septentrionalis*). At the time a drilling permit application or other request for surface use is filed, a site-specific review will be conducted and potential impacts to this species

will be assessed. Depending upon the findings of the site-specific review, additional operating constraints, such as a seasonal restriction on tree felling, may be necessary to mitigate adverse effects.

Lease Notice #11) This lease parcel is located in an area considered to be habitat for the eastern massasauga rattlesnake (*Sistrurus catenatus*). At the time a drilling permit application or other request for surface use is filed, a site-specific review will be conducted and potential impacts to this species will be assessed. Depending upon the findings of the site-specific review, additional operating constraints, such as re-location of the proposed wellsite or seasonal operating restrictions, may be necessary to mitigate adverse effects.

Attachment 7: Ohio Stipulation Compilation

USDA – FOREST SERVICE Wayne National Forest, Ohio

STANDARD STIPULATIONS - LEASE

The lessee is notified and agrees:

All work and any operations authorized under this lease shall be done according to an approved operating plan on file with the **Forest Supervisor at USDA Forest Service, 13700 US Highway 33, Nelsonville, Ohio, 45764**. Plans generally require a minimum of 45 days for Forest Service review. Bureau of Land Management must also review and also approve.

Operating plan will contain information the Forest Officer determines reasonable for assessment of (1) public safety, (2) environmental damage, and (3) protection for surface resources. Content of such plans will vary according to location and type of activity and may contain:

1. Steps taken to provide public safety.
2. Location and extent of areas to be occupied during operations.
3. Operation methods including size and type of equipment.
4. Capacity, character, standards of construction and size of all structures and facilities to be built.
5. Location and size of areas where vegetation will be destroyed or soil lay bare.
6. Steps taken to prevent and control soil erosion.
7. Steps taken to prevent water pollution.
8. Character, amount, and time of use of explosives or fire, including safety precautions during their use.
9. Program proposed for rehabilitation and revegetation of disturbed land.

Copies of all permits obtained from State or Federal agencies pertaining to work might be required. Archeological studies, if required, will accompany plan.

The Forest Supervisor or his/her designated agent has authority to temporarily suspend or modify operations in whole or in part due to emergency forest conditions such as high fire danger or other unsafe situations.

The lessee must keep the **District Ranger** informed about progress of operations to the extent reasonably necessary for assuring public safety. This is especially important with geophysical inventory and testing activities because of their mobile nature. The lessee will alert the **District Ranger** to circumstances which may affect safe and efficient conduct of work activities.

Terms of this lease are considered violated if not done according to these stipulations.

USDA – FOREST SERVICE
Wayne National Forest, Ohio

OIL AND GAS–LEASE SPECIFIC NOTIFICATIONS/STIPULATIONS

The notifications and stipulations that follow implement the Standards and Guidelines of the *Wayne National Forest Land and Resource Management Plan*, and, where appropriate, are in addition to the standard lease terms for oil and gas leases (BLM Form 3100-11). These notifications and stipulations are necessary to protect specific resource values on the lease area. If found to be in the public interest, they may be made less restrictive, or otherwise modified, when specifically approved in writing by an authorized officer of the Forest Service.

Special Notification #1

Operations under this lease will be consistent with all the standards and guidelines found in the revised Wayne National Forest Land and Resources Management Plan (Forest Plan), and are hereby incorporated into this lease in their entirety. Forest Plan standards and guidelines include restrictions on location, timing and methodology of oil and gas lease operations, and requirements for special surveys that provide for protection of National Forest land and resources. A copy of the Wayne National Forest Land and Resource Management Plan is available for inspection from the following website <http://www.fs.fed.us/r9/wayne/> or by writing to:

Forest Supervisor
Wayne National Forest
13700 US HWY 33
Nelsonville, OH 45764

Notification #1

Cultural Resources

The Forest Service is responsible for assuring that the area to be disturbed is examined for cultural resources prior to allowing any surface disturbing activities on lands covered by this lease. Important cultural resource values may be present on portions of this lease. Surface disturbing activities must avoid these areas unless the authorized officer agrees to the mitigation measures.

The lessee/operators may, at their discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of the proposed action on cultural resource values.

If items of substantial archaeological or paleontological value are discovered during operations, or a known deposit of such items is disturbed, the lessee (or operator) will cease work in the area so affected. The lessee (or operator) will then notify the Forest Service and will not resume excavation until the Forest Supervisor gives written approval.

Notification #2

Floodplains

Any activities proposed in, or likely to affect, a floodplain will be subject to:

- Analysis and identification of alternate sites.
- Public notification and comment period.
- Provisions of any other Federal, State or local laws and regulations as required under presidential Executive Order 11988, Protection of Floodplains.

Notification #3

Protection of Federal Endangered & Threatened and Regional Sensitive Species, and Their Habitat. The Forest Service is responsible for assuring that the area to be disturbed is examined prior to allowing any surface disturbing activities on lands covered by this lease. The examination is to determine effects upon any plant or animal species listed, or proposed for listing, as federal endangered or threatened, regional sensitive, and their habitats. If the findings of this examination determine that the operation(s) may have a detrimental effect on a species covered by the Federal Endangered Species Act as amended, the operator's plans may be denied or restrictions added. The presence of regional sensitive species may also require some restrictions of the operation(s).

The Forest Service has the responsibility to conduct the required examination. In cases where the Forest Service time frames cannot meet the needs of the lessee/operator, the lessee/operator may, at his discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of the proposed action on federal endangered or threatened species, regional sensitive species, or their habitats.

Notification #4

Compliance with public laws and federal regulations

Operators are required to comply with all public laws and Federal regulations that apply to National Forest System lands and the Wayne Land and Resource Management Plan.

Notification #5

Steep slopes and/or unstable soils

The area of this lease contains a considerable amount of land with steep slopes and/or unstable soils. Accordingly, the opportunity to locate access roads, drilling sites, pipelines, storage tanks and other improvements may be extremely limited.

USDA – FOREST SERVICE
Wayne National Forest, Ohio

MANAGEMENT AREAS REQUIRING SPECIAL STIPULATIONS

Very Restrictive Stipulations

Stipulation #1

Future Old Forest

No surface occupancy on the entire lease or on designated areas of the lease (see map) for the protection of Future Old Forest.

On National Forest System lands in Future Old Forest Management Areas, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #2

Research Natural Areas

No surface occupancy within designated areas of the lease (see map) for the protection of natural processes or research, historical or educational values.

On National Forest System lands in Research Natural Management Areas, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #3

Special Interest Areas

No surface occupancy within designated areas of the lease (see map) for the protection of natural processes or research, historical or educational values.

On National Forest System lands in Special Interest Management Areas, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be

allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #4

Candidate Research Natural Areas and Special Interest Areas

No surface occupancy within designated areas of the lease (see map) for the protection of natural processes or research, historical or educational values.

On National Forest System lands in Candidate Research Natural Management Areas, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #5

Administrative sites, and developed recreation areas, trails and associated trailheads

No surface occupancy within designated areas of the lease (see map) for the protection of special management units such as developed recreation areas, trails and associated trailheads, water supply facilities, administrative site, etc.

On National Forest System lands within administrative sites, developed recreation areas, trails and associated trailheads, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. The NSO designation will include a buffer zone, which will be determined in accordance with the Implementation Guide for Scenery Management. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

Stipulation #6

Timbre Ridge Lake

No surface occupancy within designated areas of the lease (see map) for the protection of the Timbre Ridge Lake Management Area.

On National Forest System lands in the Timbre Ridge Lake Management Area, the USDA Forest Service will only issue Federal oil and gas leases that have a No Surface Occupancy (NSO) stipulation. In the case of Federal leases issued pursuant to the Comprehensive National Energy Policy Act of 1992, the Forest Service will recommend to BLM that operations be allowed to continue provided that all activities comply with Forest guidance. When the existing well (or wells) is depleted, all facilities must be removed and the site rehabilitated to Forest Service standards. No new wells will be allowed, nor will existing wells be allowed to be drilled to deeper formations. The NSO stipulation does not apply to reserved or outstanding mineral rights.

RESOURCES REQUIRING SPECIAL STIPULATIONS

Very Restrictive Stipulations

Stipulation #7

Cultural resource area of known significance

No Surface occupancy within archaeological or historical sites of known significance (see map). At the time of any new proposed lease developments, the responsible line officer shall determine the need for any setbacks or restrictions for the protection of objects of historic or scientific interest.

Stipulation #8

Slopes in excess of 55%

No surface occupancy on slopes in excess of 55% (see map) to protect soil and water from erosion and mass failure hazards because of steep slopes.

Stipulation #9

Areas of mass soil instability

No surface occupancy is allowed for the exploration and development of energy minerals on areas with mass soil instability, as defined by the USDA County Soil Surveys.

Stipulation #10

Hibernacula

No surface occupancy within ¼ mile of all known Indiana bat hibernacula.

RESOURCES REQUIRING SPECIAL STIPULATIONS
Moderately to Very Restrictive Stipulations

Stipulation #11

Controlled Surface Use - Areas of land with a Scenic Integrity Objective of 'High' or 'Moderate'

At the time of any new proposed lease developments, the responsible line officer shall determine the need for any visual quality mitigation. Some examples of mitigation may include special design and reclamation measures, transplanting trees and shrubs, fertilization, mulching, special erosion control structures, irrigation, site recontouring to match the original land contour, low profile equipment and painting to minimize contrast. Surface occupancy may also be limited or denied in sensitive areas, such as unique geologic features and rock formations, visually prominent areas such as designated trails and developed recreation sites.

Stipulation #12

Controlled Surface Use - Known locations of federally listed species.

No cutting of snags (trees with less than 10% live canopy), shagbark or shellbark hickories, or trees that are hollow and/or have major splits or broken tops, except during the bat hibernation season (September 15 to April 15). If such trees are a safety hazard, they may be cut anytime they pose an imminent threat to human safety, but if cut in the nonhibernation season the Forest Service biologist must be notified in advance. This stipulation applies only to trees over six inches in diameter.

Protect all super canopy trees or other identified congregation roost trees for bald eagles along major river corridors and lakes. Protect known nests and roosts as described in the Bald Eagle Recovery Plan, or as directed by the US Fish and Wildlife Service.

A Forest Service biologist, prior to any surface disturbing activities, will conduct an assessment for potential American burying beetle habitat and occurrence. Occupancy restrictions will be determined at the time of the evaluation.

Stipulation #13

Controlled Surface Use - Areas of known Regional Sensitive Species or uncommon, unique or important habitats.

Controlled surface use may include setbacks or restrictions from portions of the lease to ensure protection of habitat for regional sensitive species. At the time of any new proposed lease developments, the responsible line officer shall determine the need for any setbacks or restrictions, or the need for timing-related stipulation in accordance with the aquatic and terrestrial wildlife and botanical resources standard and guidelines.

The leaseholder and Forest Service inspector shall work together to identify locations for development and production facilities in order to protect the structural integrity of large old trees found on a portion of the tract.

Stipulation #14

Controlled Surface Use - Managed wildlife openings

At the time of any new proposed lease developments, the responsible line officer shall determine the extent of the surface use restrictions necessary to maintain habitat integrity for plant and animal species dependent on such habitats.

Stipulation #15

Controlled Surface Use – Riparian areas

At the time of any new proposed lease developments, the responsible line officer shall determine the appropriate surface use restrictions necessary to maintain the structural and ecological integrity of riparian areas, and aquatic and riparian-dependent species viability.

Stipulation #16

Controlled Surface Use – Portions of floodplains outside riparian areas.

Oil and gas activities may be allowed within that portion of a floodplain outside riparian areas. Mineral activities will be evaluated on a case-by-case basis, and appropriate mitigation measures will be applied. The leaseholder and Forest Service inspector shall work together to identify locations for roads, pipelines, well pads and production facilities.

Stipulation #17

Controlled Surface Use - Slopes between 35 and 55 percent

Oil and gas activities will be allowed on slopes between 35%-55% on a case-by-case basis, with appropriate mitigation. New road construction and maintenance shall be planned so that the least amount of ground disturbance is involved. The leaseholder and Forest Service inspector shall work together to identify locations for roads, pipelines, well pads and production facilities.

Stipulation #18

Controlled Surface Use – Cemetery

There is a reservation for use of ¼ acre for a cemetery. No surface disturbance on the cemetery.

DOI – Bureau of Land Management Wayne National Forest, Ohio

Stipulation #19

Cultural and Archeological Survey and Consultation Requirements

As a condition of approval for any federal application for permit to drill (APD) which may be filed following issuance of a federal oil and gas lease, the applicant shall hire a professional archaeologist approved by the Ohio State Historic Preservation Office (SHPO) to conduct archaeological/cultural surveys on the Area of Potential Effect (APE) as determined through consultation with SHPO. The surveys shall occur prior to any ground disturbing activities related to the APD. Dependent upon the finding of the surveys, additional consultations may be required. For Federal surface and Federal subsurface estate lands, the surveys shall be conducted in coordination with the US Forest Service in accordance with Notification #1.

Attachment 8: Ohio State Historic Preservation Officer Correspondence, November 5th, 2018

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BUREAU OF LAND MANAGEMENT
FS NSEB



In response, please reply to:
2015-MLT-33435

November 5, 2018

Stephanie Carman, Assistant District Manager
Bureau of Land Management
626 E. Wisconsin Avenue, Suite 200
Milwaukee, WI 53202

Re Expressions of Interest to Competitively Lease
Wayne National Forest, Ohio

Dear Ms. Carman,

This is in response to correspondence from your office dated September 26, 2018 (received October 1) regarding the above referenced project. The comments of the Ohio State Historic Preservation Office (Ohio SHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended, and implementing regulations at 36 CFR 800.

The correspondence initiates consultation with the SHPO on a coordinated Bureau of Land Management (BLM) and Forest Service (FS) program to evaluate and approve applications to lease federally owned subsurface oil or natural gas resources under the Wayne National Forest (Ohio) (WNF).

At this time the Ohio SHPO is not ready to concur with the no adverse effects finding provided in the September 26, 2018 correspondence. We understand that approvals of Expressions of Interest (EOI) will not immediately require ground disturbance. However, they are an integral part of a program that will result in ground disturbance and the extraction of energy products from beneath the WNF. As established in the implementing regulations (36 CFR 800) consideration of effects of undertakings are to include direct and foreseeable consequences of federal agency actions. Specifically here, it is almost a certainty that archaeological surveys will be recommenced. There is a need at this time to initiate discussions concerning the scope of the archaeological survey. These discussions should not be put off until an application to drill (APD) is submitted.

It is the view of the SHPO that the EOI are not separate undertakings from the APD but rather they are both integral parts of the design phase of an undertaking which will lead directly to ground disturbance.

The correspondence identifies and provides mapping for two areas being considered at this time for leasing (EOI 2244 and EOI 2246). For EOI 2244, the SHPO online mapping shows an archaeological survey extending past the EOI about 800 meters to the west and this is a walk-over survey for a pipeline replacement project. That is, there has not been sufficient survey with an approximately 2 km diameter area from the center of the EOI to support a conclusion that there are no historic properties present.

800 E. 17th Ave., Columbus, OH 43211-2474 • 614.297.2300 • ohiohistory.org